

THE HON'BLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION NO.21551 OF 1999

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Dated: 20.08.2005

Between:

Syed Muneerullah Shah Hussaini,

S/o Late Sd. Abdullah Shah Hussaini.
H. No. 18-7-425/66/881, Talabkatta,
Hyderabad.

..... PETITIONER

AND

1 The Managing Director/Additional Secretary,
Transmission Corporation of A.P. Limited,
Vidyut Soudha, Hyderabad and another.

....RESPONDENTS

THE HON'BLE SRI JUSTICE C.V.RAMULU

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ORDER:

This writ petition is filed seeking a Mandamus to declare the Lr.No.SE/Op/N/Hyd/Adm.A3/D.No.595/99, dated 17.05.1999 of the 2nd respondent in rejecting the claim of the petitioner for appointment on compassionate grounds as arbitrary and illegal, and consequently to direct the respondents to appoint the petitioner on compassionate grounds in any suitable post.

It is suffice to notice that the father of the petitioner, by name Sd. Abdullah Shah Hussaini died in harness on 05.10.1991 while working with the respondent-Organisation. Thereafter, the elder brother of the petitioner applied for being considered for appointment on compassionate grounds. However, his case was rejected on the ground that he made the application at a belated stage i.e., beyond one year from the date of expiry of the employee. Whereas, since nobody is employed and there is no earning member in his family, the petitioner also made an application within time seeking appointment on compassionate grounds. However, the said application was also rejected through the impugned proceedings dated 17.05.1999 stating that the compassionate appointment cannot be continued to be considered in respect of each and every dependant of the deceased employee.

It is the case of the petitioner that firstly the application of his elder brother, seeking appointment on compassionate grounds, was rejected on the ground that the same was not filed in time. Secondly, it is not the case of the respondents that the petitioner was not having any educational qualifications and for that purpose his application was rejected. Further, the ground taken by the respondents to reject the case of the petitioner is that since the case of his elder brother was already considered there couldn't be a continued consideration for appointment on compassionate grounds in respect of each and every dependant of the deceased employee.

I am of the opinion that once the case of the elder brother of the petitioner was rejected on the ground that it was a belated one, it cannot be said that it is the due consideration at all in the eye of law. Therefore, the rejection of the case of the petitioner, whose application was in time, on the ground that there cannot be any continued consideration for compassionate appointment for each and every dependant does not arise. Therefore, the impugned order passed by the 2nd respondent is arbitrary and illegal and the same is liable to be set aside. Accordingly, the impugned order is set aside.

In the result the writ petition is allowed and the respondents are directed to consider the case of the petitioner for being appointed to any suitable post on compassionate grounds as per the scheme available in the organization and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order. No order as to costs.

(C.V. RAMULU, J)

Date: 20.08.2005

Nsr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nizki, the Acting Chief Justice on this
Saturday, the Twentieth Day of August, Two Thousand and Five.

.....REGISTRAR